

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES OF AMERICA,
Plaintiff,

v.

FRANCISCO RABANG,
Defendant.

Case No. CR00-184Z

DETENTION ORDER

THE COURT, having conducted a detention hearing ON April 14, 2000 pursuant to 18 U.S.C. §3142, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of the defendant as required and/or the safety of any other person and the community.

This finding is based on 1) the nature and circumstances of the offense(s) charged, CONSPIRACY TO IMPORT AND DISTRIBUTE MARIJUANA including whether the offense is a crime of violence or involves a narcotic drug; 2) the weight of the evidence against the person; 3) the history and characteristics of the person including those set forth in 18 U.S.C. § 3142(g)(3)(A)(B); and 4) the nature and seriousness of the danger release would impose to any person or the community.

Findings of Fact/ Statement of Reasons for Detention

Presumptive Reasons/Unrebutted:

- ☐ Conviction of a Federal offense involving a crime of violence. 18 U.S.C. §3142(f)(A)
- ☐ Potential maximum sentence of life imprisonment or death. 18 U.S.C. §3142(f)(B)
- ☒ Potential maximum sentence of 10+ years as prescribed in the Controlled Substances Act (21 U.S.C. §801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. §951 et seq.) Or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.) The government alleges that this multi-year conspiracy has had the Defendant as its lead player, involving others to work for him.
- ☐ Convictions of two or more offenses described in subparagraphs (A) through (C) of 18 U.S.C. §3142(f)(1) of two or more State or local offenses that would have been offenses described in said subparagraphs if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses.

Safety Reasons:

- ☒ Defendant is currently on probation/supervision resulting from a prior state offense of Assault in the second degree.
- ☐ Defendant was on bond on other charges at time of alleged occurrences herein.
- ☐ Defendant's prior criminal history.
- ☒ Defendant has a substantial dependency on cocaine, using it as recently as one month ago.

Flight Risk/Appearance Reasons:

- ☐ Defendant's lack of sufficient ties to the community.
- ☐ Immigration and Naturalization Service detainer.
- ☐ Detainer(s)/Warrant(s) from other jurisdictions.
- ☒ Failures to appear for past court proceedings, most notably a 1992 DUI, from which he self reports as having "been on the run."
- ☒ Defendant has significant ties to Canada through his membership in the Skyway First National tribe located in Chilliwack, British Columbia.

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2 **Order of Detention**
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- 5 ▶ The defendant shall be committed to the custody of the Attorney General for confinement in a corrections facility separate,
6 ▶ to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
7 ▶ The defendant shall be afforded reasonable opportunity for private consultation with counsel.
8 ▶ The defendant shall on order of a court of the United States or on request of an attorney for the Government, be delivered to
9 a United States marshal for the purpose of an appearance in connection with a court proceeding.
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12 April 14, 2000.

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14 Monica J. Benton, U.S. Magistrate Judge
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